

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claims 414-445 were pending. Claims 414-434, 437 and 440-445 have been canceled to facilitate allowance and without prejudice to future prosecution in a related application or acquiescing to the rejections in the Office Action. New claims 446 and 447 have been added. Accordingly, claims 435, 436, 438, 439, 446 and 447 are pending. Support for new claims 446 and 447 may be found, for example, in the third paragraph on page 58 of the clean version of the substitute specification filed February 26, 2009. No new matter has been added via the addition of the new claims.

Claims 435, 436, 438 and 439 have been amended to facilitate allowance and without acquiescing to the rejections in the Office Action. More specifically, claims 435 and 436 have been amended to be independent claims. Claim 438 has been amended to enter a minor change. Claim 439 has been amended in view of the cancelation of claim 414 and to enter minor changes. Support for the amendments to claim 439 may be found, for example, in the third paragraph on page 58 of the clean version of the substitute specification filed February 26, 2009. No new matter has been added via the amendments to the claims.

As an initial matter, Applicants thank the Examiner for allowing claims 435, 436 and 438 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As indicated in the above amendments, to facilitate allowance, Applicants have amended claims 435 and 436 into independent form. Applicants submit that amended claims 435 and 436 inherently recite all of the limitations of claim 414 to which these two claims refer and are thus allowable. In addition, Applicants submit that claim 438 is already an independent claim and is allowable. Furthermore, remaining claims 439, 446 and 447 are directed to pharmaceutical compositions comprising a fusion protein according to allowable claims 435, 436 and 438, respectively, and are also allowable.

Priority

Applicants submit that it is not necessary to determine the priority date of the pending claims in the present application because they are allowable even without considering any priority to which the present application claims. Applicants do not acquiesce to the priority determination in the Office Action.

Information Disclosure Statement

Applicants confirm that the Examiner has initialed previously filed 1449 forms.

Rejections Under 35 U.S.C. 112, First Paragraph (Written Description)

Claims 414-416, 418, 420, 422-426, 428-431, 437 and 439 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

To facilitate allowance and without acquiescing to the above rejection, Applicants have canceled claims 414-416, 418, 420, 422-426, 428-431 and 437. In addition, Applicants have amended claim 439 to refer to claim 435, which is not subject to this rejection. Accordingly, Applicants submit that the rejection against claims 414-416, 418, 420, 422-426, 428-431 and 437 has been rendered moot, and the rejection against claim 439 has been overcome.

Rejections Under 35 U.S.C. 112, First Paragraph (Enablement)

Claims 414-416, 418, 420, 422-426, 428-431, 437 and 439 stand rejected under 35 U.S.C. 112, first paragraph, as not enabled.

To facilitate allowance and without acquiescing to the above rejection, Applicants have canceled claims 414-416, 418, 420, 422-426, 428-431 and 437. In addition, Applicants have amended claim 439 to refer to claim 435, which is not subject to this rejection. Accordingly, Applicants submit that the rejection against claims 414-416, 418, 420, 422-426, 428-431 and 437 has been rendered moot, and the rejection against claim 439 has been overcome.

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Rejections Under 35 U.S.C. 103(a)

Claims 414, 415, 420, 422, 423 and 425-429 stand rejected under 35 U.S.C. 103(a) as obvious over Schilling (US 20050084933) in view of Ledbetter *et al.* (USPN 6,623,940).

To facilitate allowance and without acquiescing to the above rejection, Applicants have canceled claims 414, 415, 420, 422, 423 and 425-429. Accordingly, this rejection has been rendered moot.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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